

**314.091 Reprimand, denial, limitation, probation, revocation, or suspension of licenses or credentials -- Hearings -- Appeals. (Effective until June 1, 2007)**

- (1) The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:
  - (a) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;
  - (b) Has been convicted of any felony, or a misdemeanor involving drugs, alcohol, fraud, deceit, falsification of records, a breach of trust, physical harm or endangerment to others, or dishonesty, under the laws of any state or of the United States. The record of conviction or a copy thereof, certified by the clerk of the court or by the judge who presided over the conviction, shall be conclusive evidence. For the purposes of this section, "conviction" means but is not limited to pleading no contest, entering an Alford plea, or entry of a court order suspending the imposition of a criminal penalty to a crime;
  - (c) Has been convicted of a misdemeanor offense under KRS Chapter 510 involving a patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or has been found by the board to have had sexual contact as defined in KRS 510.010(7) with a patient while the patient was under the care of the nurse;
  - (d) Has negligently or willfully acted in a manner inconsistent with the practice of nursing;
  - (e) Is unfit or incompetent to practice nursing by reason of negligence or other causes, including but not limited to, being unable to practice nursing with reasonable skill or safety;
  - (f) Abuses use of controlled substances, prescription medications, or alcohol;
  - (g) Has misused or misappropriated any drugs placed in the custody of the nurse for administration, or for use of others;
  - (h) Has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;
  - (i) Has a license or credential to practice as a nurse denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth, including action by another jurisdiction for failure to repay a student loan;
  - (j) Has violated any of the provisions of this chapter;
  - (k) Has violated any lawful order or directive previously entered by the board;
  - (l) Has violated any administrative regulation promulgated by the board; or
  - (m) Has been listed on the nurse aide abuse registry with a substantiated finding of abuse, neglect, or misappropriation of property.

- (2) All hearings shall be conducted in accordance with KRS Chapter 13B. A suspended or revoked license or credential may be reinstated at the discretion of the board, and in accordance with regulations promulgated by the board.
- (3) The executive director may issue subpoenas to compel the attendance of witnesses and the production of documents in the conduct of an investigation. The subpoenas may be enforced by the Circuit Court as for contempt. Any order or subpoena of the court requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in this state.
- (4) At all hearings on request of the board the Attorney General of this state or one (1) of the assistant attorneys general designated by the Attorney General shall appear and represent the board.
- (5) A final order of the board shall be by majority vote thereof.
- (6) Any person adversely affected by any final order of the board may obtain a review thereof by filing a written petition for review with the Circuit Court of the county in which the board's offices are located in accordance with KRS Chapter 13B.
- (7) If the board substantiates that sexual contact occurred between a nurse and a patient while the patient was under the care of or in a professional relationship with the nurse, the nurse's license or credential may be revoked or suspended with mandatory treatment of the nurse as prescribed by the board. The board may require the nurse to pay a specified amount for mental health services for the patient which are needed as a result of the sexual contact.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 182, sec. 60, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 55, sec. 7, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 391, sec. 15, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 26, sec. 4, effective July 15, 1996; and ch. 318, sec. 264, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 6, effective July 15, 1994; ch. 367, sec. 9, effective July 15, 1994; and ch. 470, sec. 6, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 128, sec. 10, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 346, sec. 4, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 408, sec. 8, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 168, sec. 7, effective June 17, 1978. -- Created 1966 Ky. Acts ch. 20, sec. 10.

**Legislative Research Commission Note (7/15/94).** This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last. 1994 Ky. Acts ch. 367, sec. 9 is not in conflict with these two Acts and has been codified together with them.

**314.091 Reprimand, denial, limitation, probation, revocation, or suspension of licenses, privileges, or credentials -- Hearings -- Appeals. (Effective June 1, 2007)**

- (1) The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse reassigned by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the

licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

- (a) Is guilty of fraud or deceit in procuring or attempting to procure a license, credential, or privilege to practice nursing;
  - (b) Has been convicted of any felony, or a misdemeanor involving drugs, alcohol, fraud, deceit, falsification of records, a breach of trust, physical harm or endangerment to others, or dishonesty, under the laws of any state or of the United States. The record of conviction or a copy thereof, certified by the clerk of the court or by the judge who presided over the conviction, shall be conclusive evidence. For the purposes of this section, "conviction" means but is not limited to pleading no contest, entering an Alford plea, or entry of a court order suspending the imposition of a criminal penalty to a crime;
  - (c) Has been convicted of a misdemeanor offense under KRS Chapter 510 involving a patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or has been found by the board to have had sexual contact as defined in KRS 510.010(7) with a patient while the patient was under the care of the nurse;
  - (d) Has negligently or willfully acted in a manner inconsistent with the practice of nursing;
  - (e) Is unfit or incompetent to practice nursing by reason of negligence or other causes, including but not limited to, being unable to practice nursing with reasonable skill or safety;
  - (f) Abuses use of controlled substances, prescription medications, or alcohol;
  - (g) Has misused or misappropriated any drugs placed in the custody of the nurse for administration, or for use of others;
  - (h) Has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;
  - (i) Has a license, privilege, or credential to practice as a nurse denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license or privilege to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth, including action by another jurisdiction for failure to repay a student loan;
  - (j) Has violated any of the provisions of this chapter;
  - (k) Has violated any lawful order or directive previously entered by the board;
  - (l) Has violated any administrative regulation promulgated by the board; or
  - (m) Has been listed on the nurse aide abuse registry with a substantiated finding of abuse, neglect, or misappropriation of property.
- (2) All hearings shall be conducted in accordance with KRS Chapter 13B. A suspended or revoked license, privilege, or credential may be reinstated at the discretion of the board, and in accordance with regulations promulgated by the board.

- (3) The executive director may issue subpoenas to compel the attendance of witnesses and the production of documents in the conduct of an investigation. The subpoenas may be enforced by the Circuit Court as for contempt. Any order or subpoena of the court requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in this state.
- (4) At all hearings on request of the board the Attorney General of this state or one (1) of the assistant attorneys general designated by the Attorney General shall appear and represent the board.
- (5) A final order of the board shall be by majority vote thereof.
- (6) Any person adversely affected by any final order of the board may obtain a review thereof by filing a written petition for review with the Circuit Court of the county in which the board's offices are located in accordance with KRS Chapter 13B.
- (7) If the board substantiates that sexual contact occurred between a nurse and a patient while the patient was under the care of or in a professional relationship with the nurse, the nurse's license, privilege, or credential may be revoked or suspended with mandatory treatment of the nurse as prescribed by the board. The board may require the nurse to pay a specified amount for mental health services for the patient which are needed as a result of the sexual contact.

**Effective:** June 1, 2007

**History:** Amended 2006 Ky. Acts ch. 86, sec. 9, effective June 1, 2007; and ch. 182, sec. 60, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 55, sec. 7, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 391, sec. 15, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 26, sec. 4, effective July 15, 1996; and ch. 318, sec. 264, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 6, effective July 15, 1994; ch. 367, sec. 9, effective July 15, 1994; and ch. 470, sec. 6, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 128, sec. 10, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 346, sec. 4, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 408, sec. 8, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 168, sec. 7, effective June 17, 1978. -- Created 1966 Ky. Acts ch. 20, sec. 10.

**Legislative Research Commission Note** (6/1/2007). This section was amended by 2006 Ky. Acts chs. 86 and 182, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note** (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last. 1994 Ky. Acts ch. 367, sec. 9 is not in conflict with these two Acts and has been codified together with them.